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GIVE THE CINCS THE AUTHORITY FOR SELECTED RESERVE CALL-UP

by

Wayne R. Pembrook

LTC, U.S. ARMY

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Operations.

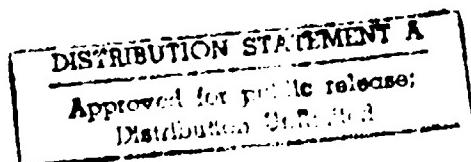
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Signature: Wayne R. Pembrook

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ABSTRACT OF

GIVE THE CINCS THE AUTHORITY FOR SELECTED RESERVE CALL-UP

For almost 20 years, the Total Force Policy has called for the early reliance on reserve forces for crisis response. The accessibility of these forces has been limited, however, by the President's hesitancy to recall selected reserves under Title 10 USC 673b. The CINCs are charged with planning and executing regional contingency missions for which there are reserve force requirements, but they lack the authority to activate these forces. This paper addresses the history and current laws and limitations of reserve recall, evaluates the adequacy of reserve employment strategy and potentially critical reserve units, reviews two recent crises in which there were problems regarding reserve call-up, and analyzes three possible alternatives for dealing with the current problem.

It concludes that Congress should give the CINCs a very limited reserve call-up authority that would enable them to use those forces needed during the early phases of a contingency operation. This solution represents a compromise between retaining the status quo and changing the Total Force Policy to replace those critical reserve units with active forces.

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whether the reserves are really intended to be a part of those forces in the future, but if they are, then the commanders of our unified commands, the CINCs, must have ready access to them in times of crisis, if any of those reserve forces are expected to fill roles that are necessary for the ultimate accomplishment of the CINC's mission.

The key factor for a CINC in the timely employment of the reserves is indeed accessibility. Can he count on having those critical assets when he needs them? Presently, aside from Congress itself, the President of the United States has sole authority for the call-up of reserve forces. The President has done so only once in the past twenty years, despite a number of crisis situations where a recall may have been warranted. The decision to recall is clearly a political one, subject to many influences beyond those in the strictly military realm. There are arguments that any crisis action that requires an immediate political decision to involuntarily recall reserves is likely doomed.² Therefore, the CINCs have been put in a dilemma where reserves that are required for implementing a CINC's plan may not be called, even though the CINC is held responsible for accomplishing his mission. Should the CINCs be given authority to recall reserves so that there is a direct correlation between responsibility and authority, or means and ends?

This paper will first address the history and current laws and limitations regarding the recall of reserves. It will then evaluate the status and adequacy of our strategy in employing reserves, an overview of potentially critical reserve units

that a CINC may require, and examples of crises in which reserve forces were needed but not recalled, or not called in a timely manner. It will then explore alternatives for improving the present system and make recommendations based upon their analysis.

It should be recognized up front that the reserve component of our nation's military structure is a complex subject, and the mobilization of that component no less complex. There are issues of readiness, force structure and modernization, and others that may directly impact upon the issues of recall, but it is beyond the scope of this paper to address these in detail. However, there are clearly potential problems inherent in the present system, and those can and will be addressed.

The bottom line is that Congress, which is ultimately the decision making body on any reserve recall legislation, should consider giving the CINCs a limited call-up authority for certain selected reserve forces that have been determined to be essential in order to execute CINC plans. This action would amount to a compromise between the current status quo, which is flawed by political considerations, and a revamping of the active and reserve force mix and missions, which is unacceptable in the reality of today's political arena.

BACKGROUND

Congress alone has the right to "call forth the militia," based on Article I (Section 8) of the U.S. Constitution. In the days of our founding fathers, there may have been little difficulty encountered in Congress exclusively retaining this power, but in modern times it certainly doesn't provide sufficient latitude for responses by reserves to sudden requirements or crises. Congress has, over the years, delegated somewhat limited call-up authority to the President. In the period through the Vietnam conflict, the President was given authorization to recall up to one million reserves, for up to two years service, provided that there was a declaration of war or national emergency. However, the Vietnam experience resulted in dramatic changes in the reserves, to include new recall concepts. In 1973 the Total Force Policy was instituted, largely as a result of the military's desire for some insurance that this nation would never again go to war, as it did in Vietnam, without the reserves and therefore, theoretically, the will of the nation. Congress was most supportive of this radical change of policy and, in fact, has consistently pressured the Department of Defense since then to continue to increase reserve roles and responsibilities.³

With the advent of the Total Force Policy, both Congress and DOD realized that easier access to the selected reserves had to be gained in order to promote reserve readiness and also to encourage the expansion of reserve component missions.⁴ Thus, Congress enacted legislation in 1976 to authorize the

President greater flexibility in recalling reserves, and it has amended it twice since that time. Specifically codified as Title 10 USC (section) 673b, it is often referred to by its more common title of "the 200K call-up."

There are specific requirements and limitations involved with the 200K call-up. The President alone can authorize the activation, and it must be executed in order to support a military operational mission, as opposed to training exercises or domestic emergencies. There is no requirement for any declaration of emergency or invocation of the War Powers Resolution, however, the President is required to notify the Congress within 24 hours of the decision to utilize 673b.⁵ The activation can be for any number of soldiers up to a maximum of 200,000 and they may be activated for up to six months (90 days with an additional 90 day extension).

The 200K call-up can only be used for selected reserve forces. The selected reserve comprises only a portion of the entire reserve manpower pool, but it is a significant portion. Of a total reserve strength of about 1.8 million, the selected reserves constitute about 1.2 million; approximately 750K in the Army (ARNG and USAR), 200K in the Air Force (ANG / USAFR), 200K in the Navy and 50K in the Marines.⁶ The members of the selected reserve are all in an active status - most of them in reserve units, and a few, such as Active Guard/Reserve members (AGR's), who fill an authorized mobilization slot in the active units that they support. The selected reserve must be prepared to mobilize within 24 hours of recall.

There are two key factors in the utilization of the selected reserves. The first is that the 200K call-up is an involuntary activation, and the reservist has no discretionary choice. However, any number of volunteers may be activated without resorting to the 200K call-up, and those reservists do not count against the 200K if it is later executed. Recent experiences in Just Cause and Desert Shield saw extensive use of selected reserve volunteers in those operations. The second important aspect of 673b, and one that has caused some confusion and controversy, is the requirement that only units, not individuals (unless they are AGR), may be recalled. This limitation prevents the use of specific individuals who may be needed to fill key skill shortages, or as filler replacements, unless they volunteer or unless the entire ready reserve is made accessible under the provisions of 673a, which mandates the declaration of a national emergency by the President.

It is interesting to note, however, that Congress has never defined the term "unit." There is a defensible argument that a unit can consist of as little as two individuals in a "detachment," but with the execution of 673b only once in almost 20 years (Operation Desert Shield), it has never been tested or challenged.⁷ The apparent reluctance to call the selected reserves from 1973 until 1990 may have been influenced by the hesitancy to call up large units (e.g., battalions, groups) when smaller components of those units (e.g., squads, platoons) would have been sufficient to meet the operational requirements.

IS THERE REALLY A PROBLEM?

There has clearly been a strategy/policy mismatch in recent years regarding the employment of reserve forces and in spite of a newly evolving national military strategy, this mismatch is likely to continue. Our strategy demands the early reliance on (meaning early recall of) reserve forces, yet our policy of actually calling up the reserves has been one of inaction or hesitancy. In the days of the cold war, such a mismatch may have been understandable in light of our focus on the global threat and the constraints of caution, but it is much less so today.

One of the key elements of the new national military strategy is the power projection of contingency forces to spontaneous, "come-as-you are" crises. Inherent in this strategy is a reserve role cited by the Chairman of the JCS National Military Strategy of the United States:

"Certain reserve units must be maintained at high readiness to assist and augment responding active units. Reserve forces perform much of the lift and other vital missions from the outset of any contingency operation."⁸

The plan for early reserve support is clear, the track record that has been established over time, however, does not in any way demonstrate that future policy will accomodate more timely or more liberal use of selected reserve units. For the past two decades, in perhaps 20 to 50 crisis situations (depending on one's counting criteria), where the use of selected reserves was a viable option, the 200K call-up has been used only once. Examples of these crises include Panama, Grenada, Lebanon, the

Persian Gulf (tanker escort), and others. General Powell, JCS Chairman, has alluded to this problem when he acknowledged that reserve forces are required in all contingencies, but "where mobilization is not postulated, potentially there would be personnel shortages."⁹ In a specific crisis, relatively few reserves may be needed, and a volunteer force may be fielded to satisfy requirements, but sufficient doubts should exist to make prudent military planners uncomfortable.

This unsettling situation presents both the warfighting and the supporting CINCs with a dilemma. They are tasked with translating national and alliance military strategy into a theater strategy and campaign plans, they prepare contingency plans, and they recommend forces to then accomplish their mission.¹⁰ If they must rely on certain selected reserve forces in order to execute their plans, they apparently cannot rely upon those forces being activated, or at least called in a timely manner. The CINCs are the true warfighters, but they have not been given the authority to insure that all the resources to wage that war are present, on time, if those resources include reserve forces, and according to our strategy, they must include them.

In regard to specific forces, there are a number of critical or unique reserve units that the CINC may require. In general, these units can be placed into two categories - those that have a mission or capability that is unique to, or predominantly contained in the reserves, or units that enhance

the CINC's deployment capability, where active forces alone will not maximize a surge capability in response to a crisis.

The following list highlights only a few examples of selected reserve units which offer capabilities that are either totally, or predominantly contained in the selected reserve. It is not difficult to envision a number of varied crises or contingencies where these type units would be desired by or even essential to a responding CINC. The percentage of total force includes all actives and reserves for that service.¹¹

<u>Service</u>	<u>Type Unit</u>	<u>% of Total Force</u>
Army	Civil Affairs	97
	Public Affairs	94
	Chemical (Smoke)	78
	Hospital	77
Navy	Combat SAR Heli	100
	Mine Warfare Ships	82
AF	Tactical Reconnaissance	54
Marine	ANGLICO	50

The units shown below are examples of selected reserve forces that have a capability directly relating to deployment or logistics; their support of the operation may not only be critical, but may be required in the earliest stages of alert and deployment. Some of these units could have been listed just as easily as a "unique" unit, since their capabilities also comprise a substantial portion of the total force assets. Potential crises throughout the world could require their immediate employment in order to support a rapid deployment.

<u>Service</u>	<u>Type Unit</u>	<u>% of Total Force</u>
Army	Railroad	100
	Pathfinder	92
	Supply and Service	90
	Corps Support Group HQ	79
Navy	Naval Control of Shipping	99
	Cargo Handling Bn	92
	Military Sealift Cmd HQ	85

AF	Tactical Airlift	60
	Strategic Airlift	50
	Tankers	50
CG	Port Security (deployable)	100

There are two points that should be made in regard to these critical reserve forces. The first is that no combat forces are listed, although there are significant percentages of various combat type units located in the reserves, particularly in the Army. It is less likely, however, to envision the criticality of reserve combat forces to a CINC, at least early in the deployment phase of an operation (before the political process would react), when there are large numbers of forces in the active component. Should reserve combat units be required, it is more probable that they would be needed as follow-on forces, and at a point in time that the 200K ceiling would, in all probability, be approached or surpassed.

Secondly, the viability of deploying much of the previously described reserve capability through the extensive use of volunteers should not be disregarded. In a number of crises in recent years, these volunteers made very significant contributions to the operations and may have negated a reserve recall under 673b. The key question is to what degree a CINC should place reliance for an important task or mission on the voluntary service of those personnel.

In order to review some recent examples of problems with reserve call-up, this nation's two most recent crises involving the use of force, Operation Just Cause in Panama, and Operation Desert Shield/Desert Storm in the Middle East are certainly appropriate. The first highlights the failure to use 673b, as

had been the norm for so many years; the second demonstrates the delayed use of the first 673b call-up ever and its possible consequences.

Just Cause, even from a reserve standpoint, must be judged a great success overall. Although there was no recall, there was a considerable reliance placed on reserve volunteers for such missions as strategic airlift, population/prisoner control (military police), and civil affairs. However, the recall problem really surfaced in this last mission area. One of the key missions of CINCSOUTH in Just Cause was to establish the new, legitimate government of Panama. This was a real challenge because it necessitated massive replacement or restructuring of the previous regime in practically every area of administration and rule, and actions were required right from the earliest hours of the invasion, and extended for months thereafter. The CINC (Gen Thurman) requested the involuntary recall of selected Army reserve civil affairs units in order to accomplish this mission. The JCS declined to endorse the request or recommend it to the Secretary of Defense.¹² Instead, JCS went to the volunteer option, as well as a few "AT" personnel. (These individuals were doing annual training for two weeks, of which only 7-8 days could actually be productively utilized for training.)

It should be noted that all U.S. military civil affairs non-tactical level assets are found in the Army selected reserves, a situation not unlike that which can be found in a wide variety of reserve force special capabilities. Only 150

volunteers were eventually found, and they reported for duty 3-12 days after solicitation; in addition, many of them limited their voluntary service status to only 31 days.¹³

The civil affairs mission was accomplished, but how well it was done, or what differences would have occurred with a major augmentation of civil affairs units, are matters for speculation. From the CINC's perspective, there should have been two obvious lessons from the operation. The first is that he could not count on the execution of 673b even though he had a requirement (which he believed to be valid) for its use in order to insure the success of the mission with which he had been charged. Whether the National Command Authority (President/SecDef) was aware of the CINC request at the time is not clear, but from the CINC's view, the answer was still no. The second lesson is that the use of volunteerism to substitute for 673b, even in situations that may require extremely limited use of selected reserves, has its limitations. In this case, the number of personnel was small, and unquestionably fewer than desired, their response was slow (3-12 days versus 24 hours required by 673b), and their service time extremely limited (31 days for many, as compared with up to 180 days for involuntary recall).

The most recent conflict for study is Desert Shield/Storm. In general, it also must be described as an overwhelming success story for the employment of massive numbers of reserve forces and the first time that the President had ever invoked the 200K call-up. Within days of the Iraqi invasion of Kuwait,

the call went out for selected reserve volunteers to fulfill a number of early planning and deployment functions, and by the time 673b was invoked, there were over 10,000 volunteers who had been activated. They were crucial assets during the early days of the crisis. For example, during the month of August 1990, 42% of the strategic airlift missions and 33% of the aerial refueling missions were flown by volunteers, and 60% of the Military Sealift Command (MSC) staff were also selected reserve volunteers.¹⁴

On 22 August, President Bush signed the executive order that invoked 673b. The majority of units that were initially recalled under this authority consisted of critical support services, such as transportation, port operations, fuel handling, water purification and distribution, chemical defense and medical support.¹⁵ By most measures, the recall worked well, and fears of massive numbers of non-deployable reserve personnel or inadequate reserve unit readiness were largely unfounded. However, perhaps the most significant underlying problem, or at least the potential to create problems, was the delay in the invocation of 673b. It took three weeks for the President to invoke the order from the time that the crisis was precipitated on 2 August, and at least two weeks from the time that there was a decision to execute CINCCENT's plan for the defense of Saudi Arabia. Whatever the reasons behind the delay, and it is undeniably a complex political issue, the results could have been significant, had the military not had the luxury of months of deployment and preparation time prior

to the commencement of hostilities. MG Larson, director of the Military Traffic Management Command (MTMC), an absolutely vital deployment agency composed mostly of reservists, stated that:

"....the delay in the call-up slowed operations down. That was our biggest problem at first - calling up the reserves. We need to be able to do that faster in the future."¹⁶

The impact of this delay can be appreciated if we postulate a "what if" scenario, in which Iraq had attacked into the northern oilfields of Saudi Arabia. Had this occurred in early August, then any recall delay would probably have been irrelevant to the short term outcome. At some point, however, U.S. forces reached a capability to present a credible defense. While that precise point is surely conjecture, a differential of one or two weeks in the placement of that point could make all the difference in success or failure of the CINC's mission, in the event that Iraqi forces had attacked. Since the early deploying reserves are primarily concerned with deployment tasks, it is only reasonable to assume that the timing of their accessibility could easily make such a difference. The bottom line is that neither the excellent turn-out of reserve volunteers, nor the delay in the involuntary recall had any real impact upon the success of the mission; but either of them could have had a dramatic effect in altered scenarios.

It must be assumed that the CINCs, given the authority for involuntary reserve recall, would negate such variables as volunteerism and political indecision by executing a call-up within minutes or hours of the decision to execute the crisis action plan.

ALTERNATIVES

There are a number of possible alternatives in addressing the problems associated with reserve recall, but there are three which are particularly apparent. First, there is clearly an argument for leaving the system as it has stood, largely unchanged, for two decades - the status quo. Second, the total force mix can be restructured in order to eliminate the need for reserve resources in the early stages of any foreseen crisis response scenarios, either major or lesser regional contingencies. Lastly, the CINCs could be given, as a minimum, some form of limited call-up authority to expeditiously employ those reserve forces required to successfully accomplish the early phases of a crisis action plan.

The President, as the nation's political leader as well as its military commander-in-chief, has been given significant flexibility by Congress to utilize the reserves of the armed forces short of full mobilization. Since the use of military force is a political act, and since the recall of reserves may clearly have political as well as military implications, it is certainly arguable that the maintenance of the present "status quo" is proper and prudent. The CINCs, through the CJCS and the SecDef, may recommend a 673b recall to the President at any time that they believe it to be required. Supporters of the Weinberger Doctrine could argue that a continuation of heavy reliance on certain selected reserves, together with the authority for selected recall vested in the President alone, will contribute to the President's careful determination that

public support exists prior to the commitment of any military forces to a crisis situation.

The simple fact remains, however, that the presidential track record on reserve recall is poor, and there is little reason to believe that the future will hold any promise for an improvement in that record. There are valid reasons for the hesitation displayed by our presidents in the past. From the historical perspective, mobilization has been a clear sign of escalation. The recall of reserves may send unintended messages or signals to both the domestic population as well as the international community that are not acceptable for reasons that outweigh the military necessity of or advantage gained by the call-up. However, the intent or strength of the signal may be the direct result of the fact that it is the President who must personally invoke any recall, not the military leadership. It is possible that with the first use of 673b having been exercised, and the resulting domestic and international reactions gauged, that more frequent use might be expected in the future. The reaction of both the U.S. public and the international community to the 22 August call-up was overwhelmingly positive and subdued. The hesitancy to invoke 673b immediately after a relatively clear cut threat to U.S. vital interests in the Middle East, however, should create little confidence that in future crises, with a perceived threat that is not so clear, a decision will be reached that is more timely than that in Desert Shield.

The comments of two former JCS members summarize the inherent problems with the present system of recall that may only worsen in the future as the military draws down. GEN Vuono, former Army Chief of Staff, has clearly stated that this smaller force structure in the future "will demand early decisions on the mobilization of reserve component units across a wide range of crises."¹⁷ The military will require reserve support not only for major regional (or global) crises as it has in the past, but with reduced manpower and therefore some reduction in flexibility, for lesser regional crises as well. ADM Trost, former Chief of Naval Operations, has stated, however, that the presidential call-up will never be exercised routinely in times of crisis because of the internal and international political implications.¹⁸ The implied message for the CINCs would therefore be the same as stated earlier. They will probably have to count on reserve support more than ever for future crises, but they can't count on them being there at the right time.

The second alternative that may be considered in addressing the problem is that of simply changing the Total Force Policy to the extent that reserve forces would not play a role in contingencies of lesser scope, or in the initial phases of major crises. This would be a return, for the most part, to a more traditional reserve role of reinforcement. This change would obviously require the transfer of many reserve capabilities to the active forces. The Army in particular would like to reduce its dependency on reserve support units

for contingencies by increasing the active support structure.¹⁹ In theory, this option solves all the potential problems of timely 673b recall and volunteerism, since neither would be required unless the scope of a crisis demanded the employment of forces in such numbers that the President should rightfully be obliged to personally make that decision. Military strategy and presidential policy would be realigned to better compliment each other.

Without regard to a number of other disadvantages and constraints, the realities of Congressional policy and politics make this alternative a near impossibility. Congress retains the final decision-making power on military structure. Its enthusiastic support of the Total Force Policy has never wavered. The difficulty seen recently in the reluctance of Congress to accept the Defense Department's proposed reductions in reserve force strength is indicative of this support as well as the influence of reserve component lobbies and local constituencies. Any proposals which go beyond these to the point of creating or enlarging active forces at the expense of the reserves would, without doubt, be vehemently rejected by an angry Congress.

It should also be recognized that many of the potentially early deploying reserve forces in question possess unique or technical qualifications that relate to civilian jobs or skills and that these forces (and most other reserves) are sustained more economically than any active counterparts. There is also a case to be made that relegating all reserves to reinforcing

missions could have disastrous effects on morale, esprit de corps and readiness in general.²⁰ Finally, even with a fairly massive conversion of selected reserve units to the active side, there is still no total assurance that a CINC will not require an unprojected capability or force that can only be satisfied by selected reserves.

The last alternative that should be considered is the delegation of selected reserve call-up authority to the CINCs. In short, if the CINCs are charged with implementing national military strategy, then they should be able to rely upon those assets they need to successfully execute it, regardless of which service or component contains those assets. A recall capability will certainly not diminish presidential decision making, since the "execute" order for any crisis or contingency will remain in the hands of the President. Even in cases where the President might be expected to make a timely 673b decision, a CINC's recall decision would be more expeditious, since the recommendation would not have to pass through the joint staff to the JCS and on to the SecDef and then the President. If the CINCs are expected to be our warfighters, then such a move would be consistent with the idea that the President should direct the military on what to do, not how to do it. This is clearly a simplification, but CINC call-up authority could actually allow the President a greater degree of flexibility in dealing with a crisis. If he is unencumbered by a decision that primarily affects the military, but which may have far reaching political implications if he must personally make it,

then he is better off if someone else makes it. Simply stated, the President will remain the master of ceremonies even if the reserve recall decision is taken off of center stage.

It would seem that Congress, as the legislative body for 673 changes, would be absolutely opposed to any changes in law that could be construed as usurping or diluting its powers regarding the military, particularly when it believes that the President already has sufficient delegated authority vested in 673b. One of its objectives in passing the Goldwater-Nichols legislation in 1986, however, was to give the CINCs a greater role in the joint planning and operations arena, and this change clearly supports that goal. Congress has also been adamant about the increased use of, and reliance on, the reserves. Senator Nunn (D-GA), Chairman of the Senate Armed Services Committee and one of the more influential members of Congress, has consistently called for a greater reliance by the military on the reserves. To this end, he has specifically expressed his concern about presidential reluctance to use 673b authority, DOD and JCS reluctance to recommend it, and the critical importance of resolving the problem of reserve force accessibility.²¹ Initial reaction to this "CINC alternative" is that Congress would never agree. However, an option that enhanced these Congressional objectives, given sufficient constraints on the CINCs, may be politically feasible.

The CINCs should not need, nor is it conceivable that Congress would grant, the presidential powers currently contained in 673b. The critical elements of timing, deployment

and initial operations (if the duration is projected to be long) are the "show stoppers." Limiting the CINCs to a 25 or 50K call-up limit, for a period of only 90 days, would satisfy most immediate, time-sensitive requirements and still be a very restricted authority when compared to 673b. Since it is not likely that selected reserve combat units would be required early, Congress could restrict the recall capability to support units only, and maintain a requirement for congressional notification by the SecDef or the CINC within 24 hours of call-up. In a crisis involving significant forces, such as Desert Shield, the invocation of 673b by the President might still be required early on in the operation, but the CINC's limited recall would insure that all required forces were available when and where they were needed.

CONCLUSION

There is currently a strategy/policy mismatch in the employment of U.S. reserve forces. The national military strategy calls for the early reliance on selected reserves in crisis response situations, but the policy of recalling those reserves is unpredictable based upon historical precedence and the political implications that surround a presidential recall. The Total Force Policy, despite drawbacks, has strong support in Congress and it is unlikely to be changed in the future in favor of a stronger active force balance. Though the decision to employ military forces should be a political one, the decision to recall selected reserves is also a political one that may have significant negative effects on a CINC's ability to execute the mission of that military force. The situation presents a possible dilemma for the CINCs who must plan for the use of various reserve units which may be required to meet the operational requirements of those plans.

A compromise solution exists that would minimize the risks presently associated with presidential call-up under 673b and still retain the current total force structure and force mix. Congress should enact legislation that would grant limited recall authorization to the CINCs. This authority could be far more restrictive than the current presidential authority by placing clearly delineated restraints on the CINCs, i.e., personnel ceilings, time limit and reserve unit categories, while still giving the CINCs significantly increased flexibility in executing U.S. policy. CINCs should continue to

pursue the use of selected reserve volunteers as a first choice to meet crisis response needs, but the potential limitations of this method presents risks without the ability to involuntarily activate them.

Mobilization execution actions must be fully integrated into the crisis management system if the Total Force Policy is to be effective in dealing with future contingencies. Should the CINCs be given limited selected reserve call-up authority? Absolutely.

NOTES

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